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PATENT  
Attorney Docket No.: 047329-5001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
James J. BANCROFT	)	
	)	
Application No.: Unassigned	)	Group Art Unit: Unassigned
	)	
Filed: December 14, 2001	)	Examiner:
	)	
For: MOUTHGUARD	)	



Commissioner of Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

A copy of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO Form 1449. Included is a brochure disclosing various mouthguards that are made in accordance with Applicant's prior U.S. Pat. No. 5,447,168. Applicant requests that the Examiner treat these mouthguards as prior art in examining the present application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior


Art" (except as noted above). If it should be determined that the listed document does not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Eric G. Maurer  
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Dated: December 14, 2001

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<b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)  <b>PTO Form 1449</b>				Attorney Docket No. 047329-5001		Application No. Unassigned	
				Applicants: James J. BANCROFT			
				Filing Date: December 14, 2001		Group Art Unit: Unassigned	

U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
		1,775,718	09/16/30	Garvey	--	--	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small;">Jc618 U.S. PTO</div> <div style="font-size: 2em; font-weight: bold;">10/014440</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small;">12/14/01</div> </div>
		2,142,614	01/03/39	Mitchell	--	--	
		2,424,533	07/22/47	Faires	--	--	
		2,483,157	09/27/49	Singer	--	--	
		2,574,623	11/13/51	Clyde	--	--	
		2,590,118	03/25/52	Oddo	--	--	
		2,600,025	06/10/52	Sage	--	--	
		2,627,268	03/03/53	Leppich	--	--	
		3,187,746	06/08/65	Gerber	--	--	
		4,031,888	06/28/77	Walters	--	--	
		4,114,614	09/19/78	Kesling	--	--	
		5,447,168	09/05/95	Bancroft	--	--	

FOREIGN PATENT DOCUMENTS								
		Document Number	Date	Country	Class	Sub Class	Translation YES    NO	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Ontario Minor Hockey Association June 2001 Guidelines on the Wearing of Mouthguards
	Total Guard Orthodontic Sports Mouthguard Brochure

Examiner	Date Considered
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Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
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